

## Message Text

LIMITED OFFICIAL USE

PAGE 01 OECD P 16189 01 OF 02 202110Z

64

ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07

EA-06 FRB-03 INR-07 IO-10 NEA-10 NSAE-00 OPIC-03

SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01 OMB-01 L-03

JUSE-00 FTC-01 AGR-05 STR-04 /087 W

----- 119117

R 202026Z JUN 75

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 7642

LIMITED OFFICIAL USE SECTION 01 OF 02 OECD PARIS 16189

PASS: L FOR FELDMAN, TREASURY FOR WIDMAN

E.O.11652: N/A

TAGS: EINV, OECD

SUBJECT: OECD COMMITTEE OF EXPERTS ON RESTRICTIVE

BUSINESS PRACTICES: STANDARDS OF CONDUCT FOR  
MULTINATIONAL ENTERPRISES

1. PLENARY SESSION OF COMMITTEE OF EXPERTS ON RESTRICTIVE BUSINESS PRACTICES (RBPS) CONCLUDED ITS SESSION ON JUNE 19. MEETING DEVOTED TO COUNTRY REPORTS ON ANTI-TRUST DEVELOPMENTS DURING 1974 AND PROGRESS IN WORKING PARTIES ON MULTINATIONAL CORPORATIONS, OECD COOPERATION AND NOTIFICATION, COLLUSIVE TENDERING AND ANTITRUST AND INTELLECTUAL PROPERTY.

2. MAJOR AGENDA ITEM WAS CONSIDERATION OF REVISED TEXT OF PRINCIPLES OF CONDUCT FOR MULTINATIONAL ENTERPRISES IN THE FIELD OF RESTRICTIVE BUSINESS PRACTICES AND COMPETITION FOR SUBMISSION TO THE OECD COMMITTEE ON INTERNATIONAL INVESTMENT FOR MULTINATIONAL ENTERPRISES (IME). WORKING PARTY LL ON MNCS HELD SUBSTANTIAL DEBATE AND APPROVED REVISED TEXT, QUOTED BELOW, WHICH TURNED OUT TO  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OECD P 16189 01 OF 02 202110Z

BE CLOSE TO ORIGINAL VERSION ADOPTED IN APRIL. FULL

COMMITTEE TOOK NOTE OF RECOMMENDATIONS IN LIEU OF FORMAL APPROVAL DUE TO RESERVATIONS EXPRESSED BY SWISS DELEGATION ON INTRA-ENTERPRISE PROVISIONS CONTAINED IN STANDARD (3). THE FULL TEXT IS AS FOLLOWS:

QUOTE

MULTINATIONAL ENTERPRISES, IN ADDITION TO CONFORMING TO OFFICIAL COMPETITION RULES AND POLICIES OF THE COUNTRIES IN WHICH THEY OPERATE,

(1) SHOULD REFRAIN FROM ACTIONS WHICH WOULD ADVERSELY AFFECT COMPETITION BY ABUSING OR UNDULY ENHANCING SITUATIONS OF MARKET POWER BY MEANS OF, FOR EXAMPLE,

(A) ACQUIRING CONTROLLING INTERESTS IN COMPETITIVELY SIGNIFICANT ENTERPRISES;

(B) EXCLUDING OR INJURING COMPETITORS BY UNFAIR OR PREDATORY BEHAVIOUR;

(C) UNREASONABLY REFUSING TO DEAL;

(D) USING INDUSTRIAL OR INTELLECTUAL PROPERTY RIGHTS TO CREATE MARKET POWER BEYOND THAT GRANTED BY LAW;

(2) SHOULD REFRAIN FROM DISCRIMINATORY PRICING FOR GOODS AND SERVICES WHICH ADVERSELY AFFECT COMPETITION AND FROM PRICING TRANSACTIONS BETWEEN AFFILIATED ENTERPRISES WHICH WOULD ADVERSELY AFFECT COMPETITION OUTSIDE THESE ENTERPRISES;

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 OECD P 16189 02 OF 02 202109Z

64

ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07

EA-06 FRB-03 INR-07 IO-10 NEA-10 NSAE-00 OPIC-03

SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01 OMB-01 L-03

JUSE-00 FTC-01 AGR-05 STR-04 /087 W

----- 119049

R 202026Z JUN 75

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 7643

LIMITED OFFICIAL USE SECTION 02 OF 02 OECD PARIS 16189

(3) SHOULD ALLOW PURCHASERS, DISTRIBUTORS, LICENSEES, MINORITY-OWNED SUBSIDIARIES AND, WHEN COMPETITIVELY IMPORTANT, WHOLLY-OWNED SUBSIDIARIES, THE MAXIMUM FREEDOM TO RESELL, EXPORT, PURCHASE AND DEVELOP THEIR OPERATIONS CONSISTENT WITH LAW, TRADE CONDITIONS, THE NEED FOR SPECIALISATION AND SOUND COMMERCIAL PRACTICE;

(4) SHOULD REFRAIN FROM PARTICIPATING IN OR CO-OPERATING WITH INTERNATIONAL OR DOMESTIC CARTELS OR RESTRICTIVE AGREEMENTS WHICH ADVERSELY AFFECT OR ELIMINATE FREE COMPETITION AND WHICH ARE NOT AUTHORISED UNDER NATIONAL OR INTERNATIONAL LEGISLATION, INCLUDING THE LEGISLATION OF THE COUNTRIES WHERE ENTERPRISES DIRECTLY INVOLVED IN THE ARRANGEMENTS ARE LOCATED;

(5) SHOULD BE READY TO CONSULT AND CO-OPERATE WITH GOVERNMENTS OF COUNTRIES DIRECTLY AFFECTED IN REGARD TO COMPETITION ISSUES IN THEIR MARKETS AND LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OECD P 16189 02 OF 02 202109Z

SHOULD, IF REQUESTED, PROVIDE TO ENFORCEMENT AUTHORITIES IN THOSE COUNTRIES ALL INFORMATION, IN THE CONTROL OF ANY PART OF THE ENTERPRISE, NECESSARY TO DETERMINE WHETHER RESTRICTIVE BUSINESS PRACTICES AFFECTING THE RELEVANT COMMERCE OF THOSE NATIONS HAVE OCCURRED OR TO ASSESS SUCH PRACTICES, PROVIDED SUCH INFORMATION IS NOT LEGALLY PRIVILEGED OR ITS DISCLOSURE PROHIBITED BY THE LAWS OF ANOTHER COUNTRY.

UNQUOTE

TURNER

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** STANDARDS, COMMITTEE MEETINGS, CONSULTANTS, BUSINESS FIRMS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 20 JUN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** greeneet  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975OECDP16189  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750216-0166  
**From:** OECD PARIS  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750630/aaaabbiz.tel  
**Line Count:** 167  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** greeneet  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 21 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <21 MAY 2003 by MartinML>; APPROVED <01 OCT 2003 by greeneet>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** OECD COMMITTEE OF EXPERTS ON RESTRICTIVE BUSINESS PRACTICES: STANDARDS OF CONDUCT FOR  
**TAGS:** EINV, OECD  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006